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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: Planning Commission

FROM: Leonard F. Mansell, Planner III

DATE: March 23, 2006

SUBJECT: General Plan Conformity Report for the abandonment of two existing offers of dedication located at the South end of Quicksilver Way in the Community of Templeton.

(RECOMMEND RECEIVE AND FILE)

This is to advise the Planning Commission that the San Luis Obispo Department of Planning and Building has acted on the above referenced request for general plan conformity review. Attached is a copy of the staff report for your information.

On the date of determination referenced in the attached staff report, the Department of Planning and Building found the proposed road abandonment in conformity with the applicable provisions of the general plan.



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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

DETERMINATION DATE March 23, 2006	CONTACT/PHONE Leonard F. Mansell 781-5199	APPLICANT . Juan Lopez	FILE NO. SUB2004-00274
SUBJECT Determination of conformity with the General Plan for the abandonment of two existing offers of dedication located at the South end of Quicksilver Way in the Community of Templeton.			
RECOMMENDED ACTION Receive and file the determination that the proposed abandonment is in conformity with the County General Plan			
ENVIRONMENTAL DETERMINATION Not required for general plan conformity reports			
LANDUSE CATEGORY Residential Suburban	COMBINING DESIGNATION N/A	ASSESSOR PARCEL NUMBER 039-272-030	SUPERVISOR DISTRICT (S) 1
PLANNING AREA STANDARDS: Not applicable			
EXISTING USE: Single Family Dwelling			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential East: Residential South: Residential/Vacant West: Residential /Vacant			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to Templeton Advisory Group, County Public Works, County Parks, & CDF			
TOPOGRAPHY: Flat to gently rolling		VEGETATION: Grasses & Urban Landscape	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF/Templeton Fire Dept		ACCEPTANCE DATE: March 11, 2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242			

PROJECT DESCRIPTION

This request is to abandon two offers of dedication that were required during the processing of Parcel Map CO 89-0281. The first offer was a 945 sq. ft. area that was intended for an emergency service turnaround. The second offer of dedication is a 2495 sq. ft. triangular shaped piece intended to connect any future development to the south of CO 89-0281. The development to the South did not use this easement in their design leaving this triangular section of dedicated right-of-way unused. The County Parks Department acquired an easement for an equestrian trail from the development to the south, which is not affected by the abandonment.

GENERAL PLAN CONFORMITY

When the county receives a request for the disposal of real property, in the form of public right-of-way or private easement, within the unincorporated area, the proposal must be evaluated for consistency with the County General Plan before the action is authorized. Pursuant to Government Code section 65100, the Planning Department is authorized to prepare and issue conformity reports that are required by Government Code section 65402. This conformity report is being prepared because this project requires a determination of conformity with the county general plan.

The determination of conformity is to be based on the County General Plan, goals, policies, programs, standards, and ordinances, including the maps and text contained therein. Factors that are listed in the Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan elements, specific plan or facility master plan.
2. The project is consistent with the goals, objectives and policies of the Land Use Element, and any other applicable General Plan Element.

The abandonment of this right-of-way/easement meets the factors as set forth in the Land Use Element as enumerated above.

Generally, the abandonment of a right-of-way does not extinguish rights of properties that have legally established easements over the right-of-way. These properties maintain their private easement rights. Abandonment does, however, take the right-of-way out of the public domain and return it to the private use and development by adjacent owners. The Board of Supervisors can retain public circulation in an abandoned right-of-way for purposes of slope easements, trails or equestrian trails.

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SUMMARY EVALUATION

Table A Guidelines for Evaluating General Plan Conformity					
Review Category		Conformity			Comments
A. Is the project consistent with the Conformity Criteria from Framework for Planning?		Yes	Maybe	No	
1	Relationship to Adopted Plans	X			
2	Consistent with the Land Use Element and Local Coastal Program	X			
	Project Designed Consistent to the LUO Standards			N/A	
4	Sale or Abandonment of Public Property or ROW will not interfere with development of public sites identified in the General Plan	X			
B. Is the project/proposal consistent with existing adopted General Plan Elements?		Yes	Maybe	No	
1	Countywide General Plan policies			N/A	
2.	LCP Policy Document			N/A	
3	Ch 2-Coastal Access			N/A	
4	Pol 1 Protection of Exist Access			N/A	
5	Pol 4-Provision for Support Facilities			N/A	
6	Pol 8-Min. Conflicts between Adj Uses			N/A	
7	Ch 3 – Recreation & Visitor Serving			N/A	
8	Pol 1-Recreational Opportunities			N/A	
9	Pol 2-Priority for Visitor Serving Uses			N/A	
10	Coastal Zone Framework for Planning			N/A	
11	Ch 1-Goals			N/A	
12	Ch 5-Circulation			N/A	
13	Purpose & Character Statements			N/A	
14	Allowable Uses – Table 'O'			N/A	
15	Salinas Area Plan	X			
16	Circulation Programs	X			
17	Land Use Programs	X			
18	Applicable Standards	X			
C. Does the project/proposal comply with the following?		Yes	Maybe	No	
1	Avoids secondary impacts on neighborhood	X			
2	Furtheres Smart Growth Principles?	X			
3	Promotes good design?	X			Abandonment will not affect equestrian trail
4	Avoid Adverse Environmental Impacts?			N/A	
5	Does it preserve Prime Soils for Ag?			N/A	
6	Will retain existing vegetation?		X		
7.	Avoid excessive land disturbances?	X			
8	Feasible considering existing hazards?			N/A	
9	Is compatible with existing character of neighborhood?	X			
D. Other Planning Considerations		Yes	Maybe	No	Proposal referred to Advisory Council (TAG).
1	Will the proposal further stated community objectives?	X			
2	Will the proposal avoid conflicts with stated community objectives?	X			
3	Does the Community Advisory Council support the proposal?	X			Reviewed, but we did not receive formal comments.
4	Is the proposal supported by other agencies with jurisdiction?	X			

PROCESS

After general plan conformity review, this road abandonment is forwarded to the Board of Supervisors for a public hearing. The abandonment request is introduced as a proposed "intent to abandon a road" and then is scheduled no sooner than four weeks after introduction as a public hearing before the Board of Supervisors. Mailed notice is given to all properties that have direct access to the road proposed for abandonment. Typically, road abandonment proposals are exempt from environmental review. However, each proposal is evaluated individually.

OTHER AGENCY COMMENTS

The proposal was referred to the Templeton Advisory Group and County Parks Department, but we did not receive formal comments.

DETERMINATION AND FINDINGS

The proposed abandonment (as shown on Attachment 2 - Exhibit A) is in conformity with the County General Plan based on the following findings:

- A. The proposed abandonment is in conformance with the Land Use Element because this right-of-way providing ingress/egress is not needed for local circulation.
- B. The proposal does not conflict with other elements of the County General Plan. The street is designated a local street in the Circulation Element, therefore this remainder of right of way is not needed to serve local traffic. The use of adjacent properties for residences is also consistent with the County General Plan and any applicable Specific Plans.

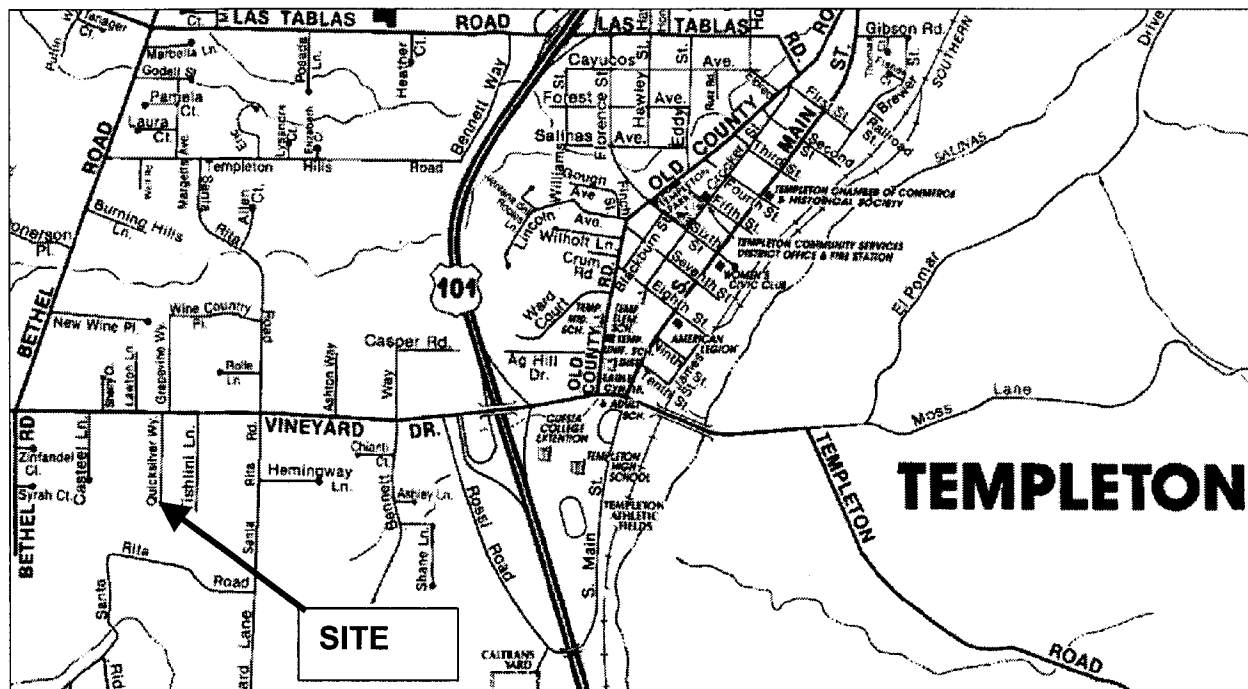
Report Prepared by Leonard Mansell, Planner III, and approved by John Hofschroer, Senior Planner, Information Services Group, Department of Planning and Building.

ATTACHMENTS

- 1. Location Map
- 2. Site Plan of Abandonment Request
- 3. Land Use Category Map
- 4. Assessor Map

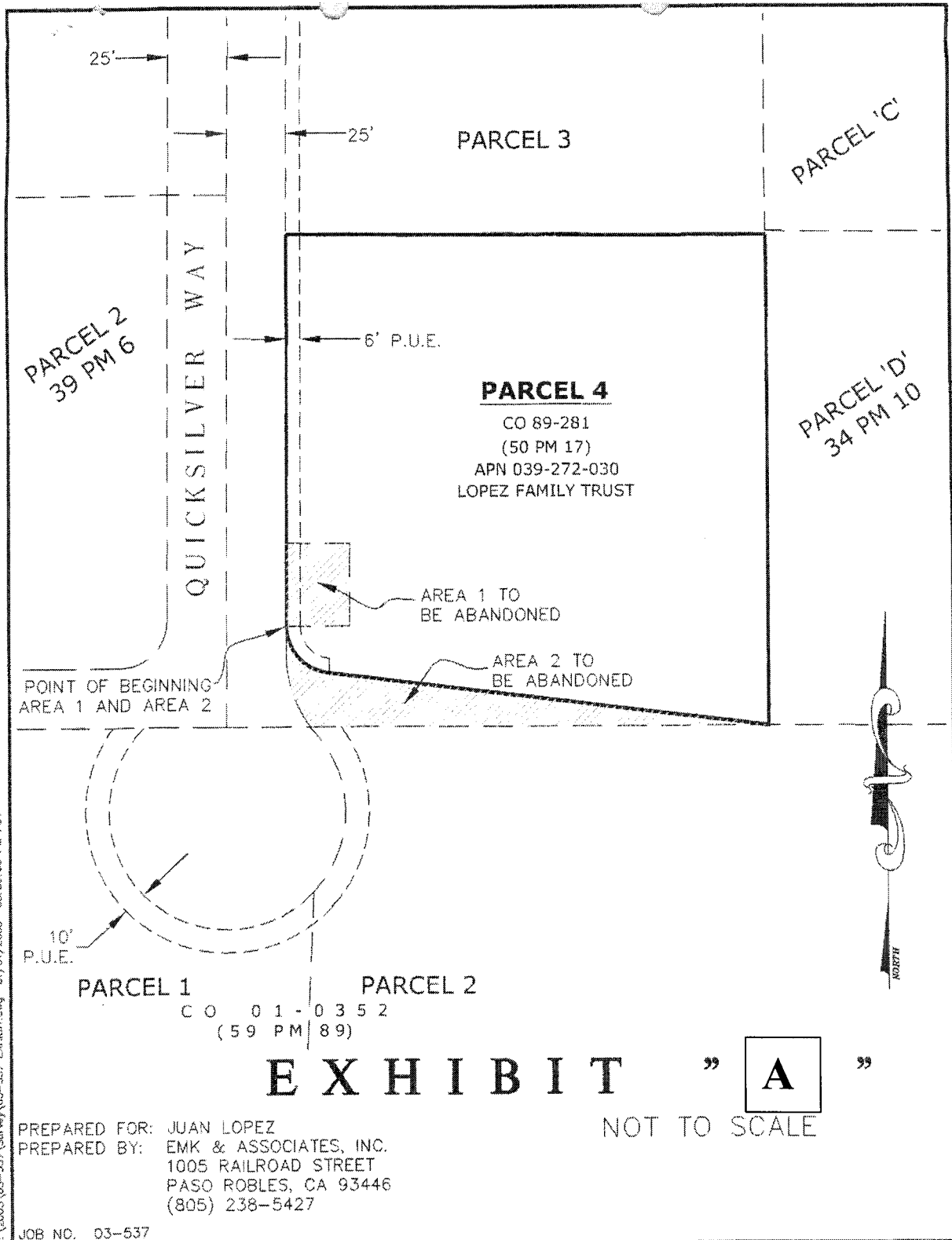
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Attachment 1 Location Map



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Attachment 2
Site Plan of Abandonment Request
Exhibit A



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Attachment 3
Land Use Category Map
Residential Suburban



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Attachment 4 Assessors Map

